

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CV-384-H

ARUNAVA (RON) SANYAL,

Plaintiff,

v.

CAPITAL AREA SOCCER LEAGUE,
INC. (CASL), ERIC HENDRICKS,
AND ZANA SUGG,

Defendants.

ORDER

This matter is before the court on plaintiff's unopposed motion to remand. Defendants Capital Area Soccer League, Inc. ("CASL") and Zana Sugg removed this matter to this court by Notice of Removal filed September 17, 2010. The plaintiff and defendants CASL and Zana Sugg filed a stipulation of dismissal on June 6, 2011, dismissing all matters in controversy between them. Remaining before the court are plaintiffs' claims against defendant Eric Hendricks, who has not appeared in this action.

On June 21, 2011, plaintiff filed the motion to remand currently before the court. By Notice of Deficiency entered August 18, 2011, this court reminded plaintiff of the need to

file a supporting memorandum. On October 4, 2011, plaintiff filed his supporting memorandum.

In this matter, the remaining claims are state law claims against a non-diverse defendant (Mr. Hendricks, who is alleged to be a resident of Wake County, North Carolina). Therefore, the court has jurisdiction over these remaining claims pursuant to supplemental jurisdiction. 28 U.S.C. § 137. Under 28 U.S.C. § 1367(c), when the court has dismissed all claims over which it has original jurisdiction, the court may decline to exercise supplemental jurisdiction and dismiss the claims, or in this case, remand the claims to state court. 28 U.S.C. § 1367(c); see Carnegie-Mellon University v. Cohill, 484 U.S. 343 (1988).

The court has carefully reviewed plaintiff's motion and supporting memorandum and has considered the factors of judicial economy and fairness and in its discretion finds that remand is appropriate in this circumstance.

CONCLUSION

Therefore, the plaintiff's motion [DE #14] is GRANTED and the remaining claims in this matter are hereby remanded to the

Superior Court of Wake County, North Carolina. The clerk is directed to close this case.

This 13TH day of October 2011.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", written over a horizontal line.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#26